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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,540	04/18/2001	Naoto Kinjo	Q63865	6811

7590 07/28/2005

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EXAMINER	
CARLSON, JEFFREY D	
ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/836,540	KINJO, NAOTO	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) *24-30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23 and 31-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the paper(s) filed 4/28/05.

Drawings

2. The drawings filed 4/18/02 are approved by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhoff (Eckhoff, Jean, "News Briefs", 1-10-2000, "Convenience Store News," v36, n1, p14) **in view of Fridman** (Fridman, Sherman, "Bans Eye Iris Scan Identification Technology," 12-9-1999, Newsbytes).

Regarding claims 1, 2, 6, 11, 21, 23, 34, Eckhoff teaches bank machines which provide customized advertising as well as facial recognition technology. It is unclear whether the customization is based upon the identified user. Fridman teaches specifics of a customized ad banking system whereby user characteristics are identified biometrically, compared to stored images of the customer base and whereby customized ads are presented to the user based on this information. It would have been obvious to one of ordinary skill at the time of the invention to have provided a

centralized storage of previously-captured Eckhoff's user faces so that the advertising can be targeted to the identified user in order to provide more personalized and relevant ads. Targeting ads to the identified user as suggested inherently includes taking a photograph, extracting the face, analyzing a first characteristic (the features/shape of the face) and presenting targeted ads. The presentation of different ads, targeted for one person vs. another person is taken to provide "switching" the ad content/image in accordance with the first characteristic. The screen that shows the ads is taken to be an image display apparatus. The plurality of ATM/bank machines which provide this advertising are taken to inherently be on the bank's communication network. However it would have been obvious to one of ordinary skill at the time of the invention to have used any network for communication including the Internet as is well known.

Regarding claim 3, targeting customized ads to users is taken to inherently include estimation of a characteristic such as "this person would likely be receptive to this selected ad."

Regarding claim 4, Official Notice is taken that it is well known to use identified characteristics about a user and estimate demographic characteristics in order to provide a basis for targeted advertising. It would have been obvious to one of ordinary skill at the time of the invention to have relied upon such estimated demographics for the basis of ad customization.

Regarding claims 5, 22, the ad selected for display to the particular user is taken to be a higher priority ad than other, non-displayed ads that were not chosen for display.

Regarding claims 7, 8, the ATM machine could be considered a game apparatus where the game played by the user is "what the heck is my PIN number again?". There are no features claimed which differentiate an ATM networked computer with a computer "game apparatus".

Regarding claims 9, 10, 32, 33, it would have been obvious to one of ordinary skill at the time of the invention to have provided any type of well known display such as a television monitor with the system of Eckhoff. The displayed advertisement is inherently in a specified area of the screen. A user at such a TV-equipped advertising apparatus is taken to be "watching television" and the TV display is certainly a display capable of displaying a television program.

Regarding claim 12, it would have been obvious to one of ordinary skill at the time of the invention to have stored the user profiles at a central server so that the plurality of ATMs can access the centralized required databases and deliver advertising across the network.

Regarding claims 13-15, Fridman teaches that the targeted ads can be displayed on a screen or by hard copy (mail). It would have been obvious to one of ordinary skill at the time of the invention to have provided a hard copy of the ads to the user at the ATM by way of the well known receipt printer. As stated above, the presentation of different ads, targeted for one person vs. another person is taken to provide "switching" the ad content/image, regardless of the medium of the output.

Regarding claim 20, the claim now essentially provides the switching step as an optional one. The switching step is no longer required when there is no decision that

display of the image would be prohibited. Nonetheless when ad 2 is preferable to ad 1, then it can be said that the system has decided that ad 1 is prohibited from display. This is the case with the suggested combination.

Regarding claims 35, 36, the equipment employed is taken to meet the broad "personal computer" which does not provide any particular structural or method step limitations.

Regarding claim 38, the display of Eckhoff is taken to meet the broad "electronic information board" (as well as "electronic poster").

Claims 31, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhoff (Eckhoff, Jean, "News Briefs", 1-10-2000, "Convenience Store News," v36, n1, p14) **in view of Fridman** (Fridman, Sherman, "Bans Eye Iris Scan Identification Technology," 12-9-1999, Newsbytes) **and further in view of Kanevsky et al (US6421453).** Kanevsky et al teaches a biometric system for limiting access to a computer system. Kanevsky et al teaches that many biometric characteristics can be used in order to identify the user including voice print, face recognition, body geometry (e.g. height, weight, hair color, hand geometry), etc [19:8-18, 11:65-66]. It would have been obvious to one of ordinary skill at the time of the invention to have included analysis of a user's height for example in order to more accurately identify the user.

Claims 39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhoff (Eckhoff, Jean, "News Briefs", 1-10-2000, "Convenience Store News," v36, n1, p14) **in**

view of Fridman (Fridman, Sherman, "Bans Eye Iris Scan Identification Technology," 12-9-1999, Newsbytes) and further in view of Marsh et al (US6876974).

Marsh et al teaches selection of targeted ads to be displayed to an identified user. The selected ads are added to a display queue and are shown in a particular order, each for a predetermined period of time [3:15-25, 9:8-11]. It would have been obvious to one of ordinary skill at the time of the invention to have selected plural ads for the identified users of Eckhoff and shown them in a particular order so that more advertising can be sold (as well as seen by the users). The order of the targeted ad queue is taken to define the priority of the ads.

Response To Arguments

Applicant argues that the examiner's Official Notice is not sustainable, however there is no seasonable challenge to such Notice. Applicant merely states that the features rejected with such notice are patentable and applicant merely cites a portion of the MPEP; no seasonable challenge is presented.

Applicant argues that that claim 9 provides a limitation regarding an image of a person who watches TV. This is a limitation regarding a photo and the subject of the photo happens to be a TV viewer (like most people). The display as argued could be a TV monitor which is capable of displaying TV programs. Further the user of the system with such a TV display can be said to be watching TV.

Regarding claim 15, the customized advertising provided by choosing or switching ad content to display is taken to provide at least changing contents of image processing.

As stated above regarding claim 20, the claim now essentially provides the switching step as an optional one. The switching step is no longer required when there is no decision that display of the image would be prohibited. Nonetheless when ad 2 is preferable to ad 1, then it can be said that the system has decided that ad 1 is prohibited from display. This is the case with the suggested combination.

As stated above regarding claim 5, 22, the ad selected for display to the particular user is taken to be a higher priority ad than other, non-displayed ads that were not chosen for display. The ads chosen and therefore the priority are based upon the identified user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc